

REMARKS

Claims 67 and 71 are amended. Claims 67-71 are pending in the application.

Claims 67-71 stand rejected under 35 U.S.C. § 112, first paragraph, as being non-enabled with respect to the scope of protection sought by the claims. In the Office Action dated August 30, 2005 at page 3 the Examiner indicates that “the composition consisting essentially of $\text{Si}_3\text{N}_{4/3}$ and $(\text{CH}_3)_{4/3}\text{Si}_3\text{N}_{8/3}$ result from the disclosed process” and contends that “there is no teaching as to how these compositions are produced” (referring to the recited composition where $0 < x \leq 4$). The Examiner further indicates at page 3 of the Action that “the Examiner determined $\text{Si}_3\text{N}_{4/3}$ and $(\text{CH}_3)_x\text{Si}_3\text{N}_{4-x}$, where $0 < x \leq 4$ ” are ions as determined based upon “the fact that these compounds are not charge balanced”.

Referring to claim 67, such is amended to delete the term “compound” to clarify the claim. The amendment is supported by the specification at, for example, page 8, lines 16-19 and page 11, lines 7-11 which clearly indicate that compositions in accordance with the invention can comprise the general formula $(\text{CH}_3)_x\text{Si}_3\text{N}_{(4-x)}$ where x ranges from greater than 0 and no greater than 4.

Referring to MPEP § 2164.08 in determining whether enablement is commensurate with the scope of the claims “all that is necessary is that one skilled in the art be able to practice the claimed invention, given the level of knowledge and skill in the art”. Further, the scope of enablement must only bear a “reasonable correlation” to the scope of the claims”. Such section indicates that “the only relevant concern should be whether the scope of enablement provided to one skilled in the art by the disclosure is commensurate with the scope of protection sought by the claims”. Accordingly, if one skilled in the art is enabled to make and use the entire scope of the claimed invention without undue

experimentation, the scope of enablement requirement is satisfied. The Examiner indicates at page 3 of the present action that applicant's previous arguments with respect to the enablement rejection are not convincing because lines 15-17 on page 9 of applicants specification "states the process in page 8, line 20 through page 9, line 14 forms a composition consisting essentially of $\text{Si}_3\text{N}_{4/3}$ and $(\text{CH}_3)_{4/3}\text{Si}_3\text{N}_{8/3}$ ". The Examiner contends therefore that the specification does not enable one to produce the claimed range of compositions. Referring to page 9, lines 5-17, applicant notes that the such clearly states that the specific exemplary reaction set forth produces a deposited product which consists essentially of Si_3N_y and $(\text{CH}_3)_x\text{Si}_3\text{N}_{(4-x)}$, wherein y is generally about 4/3 and x is also generally about 4/3. Such is a product of the specific example as using the reagents and parameters set forth at page 9, lines 3-14. Further, the specification clearly indicates that the reagents and conditions, and various parameters set forth at page 9, lines 3-14, are exemplary and therefore are not intended to be limiting. It is noted that the disclosure at page 8, line 20 through page 9, line 2 lists alternative reagents and conditions which can be utilized for producing compositions comprising $(\text{CH}_3)_x\text{Si}_3\text{N}_{(4-x)}$ where x ranges from greater than 0 and no greater than 4. Based upon the overall disclosure and the specific example given, one of ordinary skill in the art would be able to practice the claimed invention without undue experimentation. Accordingly, the scope of enablement provided to one skilled in the art by the disclosure is commensurate with the scope of the claims. Applicant therefore respectfully requests withdrawal of the § 112, first paragraph, rejection of claim 67 and dependent claims 68-71.

Claim 71 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. The Examiner states that it is unclear as to the presence of undefined materials in the recited composition. Without admission as to the propriety of the Examiner's statements, claim 71 is amended to recite the composition consisting essentially of Si_3N_y and $(\text{CH}_3)_x\text{Si}_3\text{N}_{(4-x)}$ and having a concentration of $(\text{CH}_3)_x\text{Si}_3\text{N}_{(4-x)}$ of from greater than 0 mole % to about 20 mole %. The amendment to claim 71 is supported by the specification at, for example, page 9, lines 15-23 and page 11, lines 7-11. Accordingly, applicant respectfully requests withdrawal of the § 112, second paragraph, rejection of claim 71 in the Examiner's next action.

For the reasons discussed above, claims 67-71 are allowable. Accordingly, applicant respectfully requests formal allowance of such claims in the Examiner's next action.

Respectfully submitted,

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